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UNSEALED

9/19/14 *DR*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

United States District Court
Southern District of Texas
FILED

SEP 16 2014

David J. Bradley, Clerk

UNITED STATES OF AMERICA

v.

FRANCISCO "FRANKIE" GARCIA

§
§
§
§
§

Criminal No.

M-14-1472

SEALED INDICTMENT

THE GRAND JURY CHARGES:

INTRODUCTION

1. On or about November 6, 2012, pursuant to the laws of the United States and the State of Texas, a general election (hereinafter, the "election") was held in Donna, Hidalgo County, Texas for the purpose, among others, of electing the President of the United States, a federal office.

2. At the election, there were also candidates on the ballot for various state, county, and local offices, including the members of the Donna School Board.

3. At all times material to this Indictment, **FRANCISCO "FRANKIE" GARCIA** assisted in the campaign to elect four candidates to the Donna School Board at the election.

**COUNT ONE
CONSPIRACY**

4. The Grand Jury realleges and incorporates by reference the allegations contained in paragraphs 1 through 3 of the Introduction to this Indictment as though fully set out herein, and further alleges that on or about November 6, 2012, in Donna, Hidalgo County, Texas, within the Southern District of Texas, defendant,

FRANCISCO “FRANKIE” GARCIA

and others known and unknown to the Grand Jury, did knowingly conspire and agree with each other and others, known and unknown, to violate 52 U.S.C. § 10307(c) (formerly 42 U.S.C. § 1973i(c)) by paying and offering to pay one and more voters for voting in the aforesaid election.

MANNER AND MEANS OF THE CONSPIRACY

5. It was part of the conspiracy that defendant FRANCISCO “FRANKIE” GARCIA would direct others, known and unknown to the Grand Jury, to bring voters to the polls to vote for particular candidates in the Donna School Board election in exchange for the offer of payments of cash and drugs.

6. It was further part of the conspiracy that after voters cast their votes, persons known and unknown to the Grand Jury would pay the voters for their votes using cash that FRANCISCO “FRANKIE” GARCIA had given them, or would bring the voters to defendant FRANCISCO “FRANKIE” GARCIA, who would himself pay the voters for voting with either cash or drugs.

OVERT ACTS

7. On or about November 6, 2012, Person A brought several voters to the polls to vote for candidates for the Donna School Board. Person A then brought the voters to FRANCISCO “FRANKIE” GARCIA after they had voted. Defendant FRANCISCO “FRANKIE” GARCIA paid the voters for voting by giving the voters either a dime bag of cocaine or cash in exchange for their votes.

8. On or about November 6, 2012, Person B brought three voters to the polls to vote for candidates in the Donna School Board election. Defendant FRANCISCO “FRANKIE” GARCIA paid the voters for voting by dropping \$30 into the car in which they were seated, through an open car window, after they voted.

All in violation of Title 18, United States Code 371.

COUNT TWO
ELECTION FRAUD

9. The Grand Jury realleges and incorporates by reference the allegations contained in paragraphs 1 through 3 of this Indictment as though fully set out herein, and further alleges that on or about November 6, 2012, in Donna, Hidalgo County, Texas, within the Southern District of Texas, defendant,

FRANCISCO “FRANKIE” GARCIA

knowingly paid and offered to pay voters R.S., I.C., K.P., V.S., and others for voting in the aforesaid general election.

All in violation of Title 52, United States Code, Section 10307(c) (formerly Title 42, United States Code, Section 1973i(c)).

COUNT THREE
ELECTION FRAUD

10. The Grand Jury realleges and incorporates by reference the allegations contained in paragraphs 1 through 3 of this Indictment as though fully set out herein, and further alleges that on or about November 6, 2012, in Donna, Hidalgo County, Texas, within the Southern District of Texas, defendant,

FRANCISCO “FRANKIE” GARCIA

knowingly aided and abetted Person A in paying and offering to pay one and more voters for voting in the aforesaid general election, by giving money and other things of value to Person A to give to voters.

All in violation of Title 52, United States Code, Section 10307(c) (formerly Title 42, United States Code, Section 1973i(c)) and Title 18, United States Code, Section 2.

COUNT FOUR
ELECTION FRAUD

11. The Grand Jury realleges and incorporates by reference the allegations contained in paragraphs 1 through 3 of this Indictment as though fully set out herein, and further alleges that on or about November 6, 2012, in Donna, Hidalgo County, Texas, within the Southern District of Texas, defendant,

FRANCISCO "FRANKIE" GARCIA

knowingly aided and abetted Person B in paying and offering to pay one and more voters for voting in the aforesaid general election, by giving money and other things of value to Person B to give to voters.

All in violation of Title 52, United States Code, Section 10307(c) (formerly Title 42, United States Code, Section 1973i(c)) and Title 18, United States Code, Section 2.

A TRUE BILL

REDACTED COPY

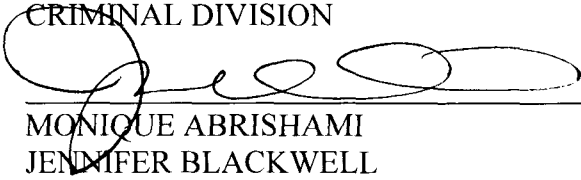
FOREPERSON

KENNETH MAGIDSON
UNITED STATES ATTORNEY



LEO J. LEO III
ASSISTANT UNITED STATES ATTORNEY

LESLIE CALDWELL
ASSISTANT ATTORNEY GENERAL
CRIMINAL DIVISION



MONIQUE ABRISHAMI
JENNIFER BLACKWELL
TRIAL ATTORNEYS, CRIMINAL DIVISION